

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Chrome Tech, Inc.  
2310 West Cape Cod Way  
Santa Ana, California 92703  
EPA ID No. CAD 981 463 110

Chrome Tech, Inc.  
2309 West 2<sup>nd</sup> Street  
Santa Ana, California 92703  
EPA ID No. CAR 000 155 416

Respondent.

Docket HWCA 2004-0477

AMENDED  
ENFORCEMENT ORDER

Health and Safety Code  
Section 25187

**INTRODUCTION**

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Chrome Tech, Inc., a California corporation doing business in California (Respondent).

1.2. Site. Respondent generates and treats hazardous waste at the following sites: 2310 W. Cape Cod Way, Santa Ana, California 92703 ("2310 Cape Cod Way Facility"), and 2309 West 2<sup>nd</sup> Street, Santa Ana, California 92703 ("2309 West 2<sup>nd</sup> Facility").

1.3. Generator. Respondent is a generator. The Respondent generates the following hazardous waste: aqueous waste containing cyanides, aqueous waste containing metals, caustics, acids, and buffing and polishing wastes containing metals. Respondent operates pursuant to a permit-by-rule (PBR) authorization at the 2310 Cape Cod Way Facility and operates under a conditional authorization (CA) at the 2310

West 2<sup>nd</sup> Street Facility. The Respondent notified the Department for the treatment of aqueous waste containing cyanide.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code, or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

### **DETERMINATION OF VIOLATIONS**

2. Based upon observations made and evidence obtained during its February 17-18, and 20, 2004 inspection of Respondent's two facilities, the Department has determined that:

2.1. Respondent violated California Code of Regulations, title 22, section 66268.3, subsection (a), in that on or about February 20, 2004, Respondent diluted metal hydroxide sludge, a listed Resource Conservation and Recovery Act (RCRA) waste code F006, with debris. Respondent mixed metal hydroxide sludge with buffing and polishing waste, and debris, such as cut up boards, personal protective equipment (PPE), and solid waste.

2.2. Respondent violated California Health and Safety Code section 25179.5, subsection (b)(1), and California Code of Regulations, title 22, section 66268.1, et seq., in that on or about February 20, 2004, Respondent failed to adequately determine if its metal hydroxide sludge was subject to land disposal restrictions (LDR) prior to shipment to a landfill, and failed to adequately determine if the treatment standards have been met prior to shipment offsite for land disposal. Respondent shipped waste offsite for disposal as debris with listed waste.

2.3. Respondent violated California Code of Regulations, title 22, section 66262.12, subsections (a)-(b) in that on or about February 20, 2004, Respondent failed to obtain a federal Identification number (ID) from the administrator of the United States Environmental Protection Agency (U.S.EPA) for four years (November 1996 to November 2000). Respondent generated RCRA waste during this period at 2310 Cape

Cod Way Facility. Respondent had a California EPA ID number CAL 000 126 357 from November 1996 to November 2000.

2.4. Respondent violated California Health and Safety Code section 25201 in that on or about February 20, 2004, Respondent treated corrosive waste wastewater with pH 13.1 from its paint stripping operations with acetic acid in a tank without obtaining a hazardous waste facilities permit or other grant of authorization from the Department for such treatment at the 2309 West 2<sup>nd</sup> Street Facility. The treated wastewater was shipped offsite as hazardous waste.

2.5. Respondent violated California Code of Regulations, section 67450.3, subsections (c)(8)(D) and (c)(9)(C), and section 66265.51 as referenced by section 66262.34, subsection (a)(4), in that on or about February 20, 2004, Respondent failed to have an adequate contingency plan at its Facilities.

The following items were missing in the contingency plan: emergency steps to be taken, names, addresses, and telephone numbers for emergency coordinators and alternate emergency coordinators, decontamination equipment and a plot plan with the physical location of the emergency equipment, arrangement with local authorities, and the telephone number for the State Office of Emergency Services (OES).

2.6. Respondent violated California Code of Regulations, title 22, section 67450.3, subsection (c)(9)(B), and section 66265.32, as referenced by section 66262.34, subsection (a)(4) in that on or about February 20, 2004, Respondent failed to provide the following emergency equipment at its facilities: an eyewash/shower and a fire extinguisher in the waste water treatment area operating under a PBR treatment tier and in the plating area.

2.7. Respondent violated California Code of Regulations, title 22, section 66262.40, subsection (b) in that on or about February 20, 2004, Respondent failed to retain copies of its biennial reports.

2.8. Respondent violated California Code of Regulations, title 22, section 67450.3, subsections (c)(8)(C) and (c)(9)(A), and section 66262.34, subsection (a)(4),

and section 66265.16 in that on or about February 20, 2004, Respondent failed to have written training documents specific to the job for employees handling hazardous waste at the 2310 Cape Code Way Facility and failed to provide an initial training to the employees involved in hazardous waste activities.

2.9. Respondent violated California Code of Regulations, title 22, section 66265.16, as referenced by section 66262.34, subsection (a)(4) in that on or about February 20, 2004, Respondent did not have written training documents specific to the job for employees handling hazardous waste and failed to provide an initial training to the employees involved in hazardous waste activities at the 2309 West 2<sup>nd</sup> Street Facility, and, specifically, failed to provide confined-space training to the employees working with the molten sludge removal process and hazardous waste generator training to those employees involved in hazardous waste container management.

2.10. Respondent violated California Code of Regulations, title 22, section 67450.3, subsection (c)(9)(F), which incorporates by reference section 66265.192, subsection (a), in that on or about February 20, 2004, Respondent failed to have a tank assessment, including secondary containment, conducted at the time of installation in 1996 and certified by an independent, qualified, professional engineer (P.E.) registered in California in accordance with section 66270.11(d) that attests to the tank system's integrity for the following tanks: eight (8) treatment tanks operating under PBR tiers, two (2) cyanide treatment tanks, and two (2) waste accumulation tanks containing corrosive hexavalent chrome waste at the 2310 Cape Cod Way Facility. The tank sizes varied from 200-1000 gallons.

The P.E. certifications for the tank/secondary containment assessments of 2001, 2002, and 2003 lacked the following supporting documentation: tank standards and drawings, tank material, tank thickness, volume calculations, waste constituents, chemical compatibilities, and seismic requirements, as well as secondary containment information per California Code of Regulations, title 22, section 66265.193.

2.11. Respondent violated California Code of Regulations, title 22, section 66265.193, subsection (j)(1) in that on or about February 20, 2004, Respondent failed

to provide secondary containment for the eight (8) treatment tanks operating under PBR treatment tiers, two (2) cyanide treatment tanks, and the two (2) waste accumulation tanks containing corrosive hexavalent chrome waste in the waste water treatment area at the 2310 Cape Cod Way Facility.

2.12. Respondent violated California Code of Regulations, title 22, section 67450.3, subsection (c)(9)(A), and section 66265.17, in that on or about February 20, 2004, Respondent failed to take precautions to prevent accidental reaction of reactive wastes.

All of the open waste accumulation and treatment tanks were filled up to the maximum capacity and the freeboard was less than two feet (2'). Hazardous waste tanks of chromic acid were placed directly above tanks containing cyanide wastes.

2.13. Respondent violated California Code of Regulations, title 22, section 67450.3, subsection (c)(8)(A), and section 66265.13 in that on or about February 20, 2004, Respondent failed to have a written waste analysis plan for the waste treatment operations under the PBR tiers.

2.14. Respondent violated California Code of Regulations, title 22, section 67450.3, subsection (c)(9)(A), and section 66265.13 in that on or about February 20, 2004, Respondent failed to have waste analysis performed at the point of generation for the waste streams being treated under the PBR tiers.

Respondent had waste analyses records for some of the waste streams generated and treated onsite. Those waste streams were not analyzed at the point of generation because the samples were taken from the two sump locations that contained commingled waste streams as per the waste analysis reports. The Orange County Certified Unified Program Agency (CUPA) had also cited this violation during its January 2002 inspection.

2.15. Respondent violated California Code of Regulations, title 22, section 67450.3, subsection (c)(9)(A), and section 66265.13, subsection (b)(4) in that on or about May 13, 2004, Respondent failed to have hazardous waste analysis performed in the manner specified in Respondent's waste analysis plan.

2.16. Respondent violated California Code of Regulations, title 22, section 67450.3, subsection (c)(9)(F), section 66265.195, subsections (a) and (c), and section 66262.34, subsection (a)(1)(A) in that on or about February 20, 2004, Respondent failed to conduct daily tank inspections for the two (2) waste accumulation tanks and the treatment tank system, and to maintain a log of the inspections for the following tanks: the eight (8) treatment tanks operating under the two (2) PBR tiers; two (2) cyanide treatment tanks; and two (2) waste accumulation tanks with corrosive waste containing hexavalent chromium at the 2310 Cape Cod Way Facility.

The CUPA had cited the facility for this violation on its January 31, 2002 and October 6, 2003 inspections. Respondent's daily inspection checklist for the wastewater treatment tanks was missing the following areas: overfill/spill control equipment, high alarm, and sign of corrosion/leakage for tank exterior and inlet piping/connection, and secondary containment free of leak detection.

2.17. Respondent violated California Code of Regulations, title 22, section 67450.3, subsection (c)(9)(E), section 66262.34, subsection (a)(1)(A), section 66265.174, and section 66265.15, subsection (d) in that on or about February 20, 2004, Respondent failed to have a written weekly inspection schedule for containers and portable tanks, and failed to maintain a log for the inspections conducted, including corrections made for any deficiencies observed at the 2310 Cape Cod Way Facility.

2.18. Respondent violated California Code of Regulations, title 22, section 67450.3, subsection (c)(9)(E), section 66262.34, subsection (a)(1)(A), section 66265.174, and section 66265.15, subsection (d) in that on or about February 20, 2004, Respondent failed to have a written weekly inspection schedule for containers, failed to conduct inspections, and failed to maintain an inspection log for the inspections conducted at the 2309 West 2<sup>nd</sup> Street Facility.

2.19. Respondent violated California Code of Regulations, title 22, section 66262.34, subsection (a)(1)(A), and section 66265.173, subsection (a) in that on or about February 18, 2004, Respondent failed to close the roll-off bin containing metal hydroxide sludge, with is a RCRA-listed waste (F006), and chromium waste (D007) at

the 2310 Cape Cod Way Facility. It was raining and the roll-off bin was partly covered with a tarp on February 18, 2004.

2.20. Respondent violated California Code of Regulations, title 22, section 67450.3, subsection (c)(8)(G) in that on or about February 20, 2004, Respondent failed to have a closure plan for the two (2) PBR treatment units available for review by Department representatives at the time of inspection.

2.21. Respondent violated California Code of Regulations, title 22, section 67450.13, subsection (a)(3) in that on or about February 20, 2004, Respondent failed to retain copies of the updated financial assurance closure cost estimates onsite for 2003.

2.22. Respondent violated Health and Safety Code, sections 25244.19, 25244.20, and 25244.21 in that on or about February 20, 2004, Respondent failed to prepare the Senate Bill 14 (SB 14) source reduction documents, Hazardous Waste Management Performance Report (HWMPPR), and Summary Progress Report (SPR).

2.23. Respondent violated California Code of Regulations, title 22, section 66262.34, subsections (f)(1) and (f)(3) in that on or about February 20, 2004, Respondent failed to mark the following portable tanks with the initial date of accumulation, the words "Hazardous Waste", composition, and name and address of the generator:

- Two 200-gallon, metal portable tanks containing corrosive tri-acid waste.
- One 160-gallon poly portable tank containing corrosive tri-acid waste.

2.24. Respondent violated California Code of Regulations, title 22, section 66262.34, subsection (f) in that on or about February 20, 2004, Respondent failed to label the two (2) portable containers of metal hydroxide sludge underneath the two (2) filter presses at the 2310 Cape Code Way Facility.

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### **SCHEDULE FOR COMPLIANCE**

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1.1. The violation described in section 2.1 has been corrected.

No further corrective action or submittal is required for this violation.

3.1.2. The violation described in section 2.2 has been corrected.

No further corrective action or submittal is required for this violation.

3.1.3. The violation described in section 2.3 has been corrected.

No further corrective action or submittal is required for this violation.

3.1.4. The violation described in section 2.4 has been corrected.

No further corrective action or submittal is required for this violation.

3.1.5. Within 30 days of the effective date of this Order, Respondent shall submit to the Department a confirmation that local authorities have been notified of, and been provided with a copy of, the contingency plan. All other missing elements described in Section 2.5 have been submitted to the Department.

A copy of the approved contingency plan shall be maintained at the facilities at all times, and shall be made available to the Department upon request.

3.1.6. Within 30 days of the effective date of this Order, Respondent shall provide, at a minimum, a portable eyewash and a fire extinguisher in the waste water treatment area and in the plating area.

3.1.7. The violation described in section 2.7 has been corrected.

No further corrective action or submittal is required for this violation.

3.1.8. Within 30 days of the effective date of this Order, Respondent shall update the training plan in compliance with California Code of Regulations., title 22, section 66265.16 to include the following missing elements of the training plan: fire extinguisher and fire prevention training as it relates to the hazardous waste activities at the 2310 Cape Cod Way Facility, and training on the hazardous waste activities at the waste water treatment area. Within 15 days of the Department's approval of the training plan, Respondent shall provide hazardous waste training for all employees handling



hazardous waste at the Respondent's 2310 Cape Cod Way Facility. Respondent shall also provide initial training for all new employees and annual training for all employees involved in hazardous waste activities.

3.1.9. Within 30 days of the effective date of this Order, Respondent shall update the training plan in compliance with California Code of Regulations., title 22, section 66265.16 to include the following missing elements of the training plan: confined space entry training, fire extinguisher and fire prevention training as it relates to the hazardous waste activities at the 2309 West 2<sup>nd</sup> Street Facility, as well as hazardous waste generator training. Within 15 days of the Department's approval of the training plan, Respondent shall provide hazardous waste training for all employees handling hazardous waste at the Respondent's 2309 West 2<sup>nd</sup> Street Facility. Respondent shall also provide initial training for all new employees and annual training for all employees involved in hazardous waste activities.

3.1.10. Within 30 days of the effective date of this Order, Respondent shall have an adequate tank assessment conducted by an independent, qualified, professional engineer, registered in California in accordance with the California Code of Regulations, title 22, section 66270.11(d). The tank assessment shall be prepared for the following tanks: eight (8) treatment tanks operating under PBR tiers, two (2) cyanide treatment tanks, two (2) waste accumulation tanks containing corrosive hexavalent chrome waste, and any other hazardous waste treatment and accumulation tanks installed by the Respondent since the February 2004 inspection by the Department. The tank sizes varied from 200-1000 gallons. Tank assessments without supporting documents as previously submitted by the Respondent are not acceptable.

3.1.11. Within 30 days of the effective date of this Order, Respondent shall provide adequate secondary containment assessment in compliance with California Code of Regulations, title 22, section 66265.193, subsection (j)(1), and which shall be certified by an independent, qualified, professional engineer (P.E.), registered in California in accordance with California Code of Regulations, title 22, section 66270.11, subsection (d). Adequate secondary containment shall be provided for the

following tanks: eight (8) treatment tanks operating under PBR tiers, two (2) cyanide treatment tanks, two (2) waste accumulation tanks containing corrosive hexavalent chromium waste, and any other hazardous waste treatment and accumulation tanks installed by the Respondent since the February 2004 inspection by the Department.

3.1.12. Within 30 days of the effective date of this Order, Respondent shall ensure that hazardous waste tanks containing cyanide and containing chromic acid are segregated to prevent an accidental reaction if these two wastes were to come in contact with each other. In addition, all uncovered (open) tanks at Respondent's facilities shall have no less than two (2) feet of freeboard. Respondent shall submit photographs of the segregation and of all open tanks verifying compliance with the requirements.

3.1.13. Within 30 days of the effective date of this letter, Respondent shall revise the waste analysis plan to state the following:

(a) EPA SW-846 methods shall be used for the analysis of all hazardous wastes;

(b) The test methods listed for all waste streams shall be those methods identified under EPA SW-846;

(c) The location where the samples will be taken shall be at the point where the waste becomes a hazardous waste (point of generation); and

(d) The samples shall be identified and taken as grab samples and not as composite samples.

3.1.14. The violation described in section 2.14 has been corrected. No further corrective action or submittal is required for this violation.

3.1.15. The violation described in section 2.15 has been corrected. No further corrective action or submittal is required for this violation.

3.1.16. Effective immediately, Respondent shall conduct daily tank inspections, and shall maintain an accurate log of the inspections conducted, including corrective actions taken, in compliance with California Code of Regulations, title 22, sections 66265.15 and 66265.195 for the 2310 Cape Cod Way Facility. By March 20,

2007, Respondent shall submit copies of the daily inspection logs for July, September, and November, 2006.

3.1.17. Effective immediately, Respondent shall conduct weekly container and portable tank inspections, and shall maintain an accurate log of the inspections conducted, including corrective actions taken, in compliance with California Code of Regulations, title 22, sections 66265.15 and 66265.174 for the 2310 Cape Cod Way Facility. By March 20, 2007, Respondent shall submit copies of the weekly inspection logs for July, September, and November, 2006.

3.1.18. Effective immediately, Respondent shall conduct weekly container inspections and shall maintain an accurate log of the inspections conducted, including corrective actions taken, in compliance with California Code of Regulations, title 22, sections 66265.15 and 66265.174 for the 2309 West 2<sup>nd</sup> Street Facility. By March 20, 2007, Respondent shall submit copies of the inspection logs for July, September, and November, 2006.

3.1.19. The violation described in section 2.19 has been corrected. No further corrective action or submittal is required for this violation.

3.1.20. Within 30 days of the effective date of this Order, Respondent shall submit a revised closure plan, which includes the disposal cost of the solids generated from the waste water treatment.

3.1.21. Within 30 days of the effective date of this Order, Respondent shall submit a revised financial assurance for closure cost estimates in compliance with California Code of Regulations, title 22, section 67450.13, which includes the following tanks that were not in the list of equipment for the closure cost estimates: 1,065-gallon holding tank (T4), 300-gallon sludge holding tank, and the second filter press. In addition, the closure cost shall also include any other hazardous waste equipment or tanks installed by the Respondent since the February 2004 inspection by the Department. Respondent shall retain a copy of the cost estimates onsite.

3.1.22. Within 30 days of the effective date of this Order, Respondent shall complete the checklist contained in DTSC publication #402: Hazardous Waste

Minimization Checklist for the Metal Finishing Industry; or Section 2 of DTSC publication #004: Compliance Checklist for Complying with the Hazardous Waste Source Reduction and Management Review Act of 1989, as specified by California Code of Regulations, title 22, section 67100.2; and maintain the completed checklist at its facilities for review by the Department or the Orange County CUPA. In addition, Respondent shall submit a copy of the completed checklist and SB 14-related documents (sections 1, 2, 3, 4, 5, and 6 of the Compliance Checklist, and a copy of the current Biennial Report). Respondent shall submit copies of accurately completed SB 14, HWMPR, and SPR documents to the Department. The compliance checklist is at <http://www.dtsc.ca.gov/PollutionPrevention/SB14/upload/sb14-compliance-checklist.pdf>.

3.1.23. Effective immediately, Respondent shall mark the initial date of accumulation of hazardous waste, the words "Hazardous Waste", the composition of the waste, and the name and address of the generator on all portable tanks and containers. Within 10 days of the effective date of this Order, Respondent shall provide legible photographs of portable tanks and containers with labels properly filled out, in a manner documenting compliance with this violation.

3.1.24. Effective immediately, Respondent shall mark the initial date of accumulation of hazardous waste, the words "Hazardous Waste", the composition of the waste, and the name and address of the generator on metal hydroxide sludge portable containers. Within 10 days of the effective date of this Order, Respondent shall provide legible photographs of metal hydroxide sludge portable containers with labels properly filled out, in a manner documenting compliance with this violation.

3.2. Submittals. All submittals from Respondent pursuant to this Order shall be sent simultaneously to:

Mr. Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

and Mr. Steven Wong, Director  
County of Orange Health Care Agency  
Environmental Health  
1241 E. Dyer Road, Suite 120  
Santa Ana, California 92705-5611

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by the Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order, or fails to protect public health or safety or the environment, the Department may:

- a. Modify the document as deemed necessary and approve the document as modified, or
- b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

3.5. Compliance with Applicable Laws. Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including, but not limited to, requirements to obtain permits and to assure worker safety.

3.6. Endangerment During Implementation. In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of such Stop Work Order.

3.7. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of

past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.8. Site Access. Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the site at all reasonable times for purposes including, but not limited to: inspecting records, operating logs, and contracts relating to the site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.9. Data and Document Availability. Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

3.10. Government Liabilities. The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order; nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Order.

3.11. Incorporation of Plans and Reports All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by the Department.

3.12. Extension Request. If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.23. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

### **OTHER PROVISIONS**

4.1. Additional Enforcement Actions By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law. In addition, Respondent's failure to meet the time provisions contained in Part 3 of this Amended Enforcement Order, specifically the Schedule of Compliance requirements for the uncorrected violations, shall result in the imposition of additional multi-day civil penalties. Respondent's Notice of Defense shall not operate to stay the time provisions in the Schedule of Compliance.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants,

receivers, trustees, successors, and assignees, including, but not limited to, individuals, partners, and subsidiary and parent corporations.

4.4. Time Periods. "Days," for the purposes of this Order means calendar days.

4.5. Compliance with Waste Discharge Requirements. Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

### **PENALTY**

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$386,000.00. Payment is due within 30 days of the effective date of this Order. Respondent's check shall be made payable to the "Department of Toxic Substances Control," and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent to following persons:

Mr. Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Statewide Compliance Division  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

Mr. Charles Stone, Staff Counsel  
Office of Legal Counsel and Investigations  
Department of Toxic Substances Control  
1001 I Street, 23<sup>rd</sup> Floor  
P. O. Box 806  
Sacramento, California 95812-0806



### **RIGHT TO A HEARING**

6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

### **EFFECTIVE DATE**

7. Service by Mail. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the 20-day period.

Date of Issuance: March 9, 2007

Original signed by Charles A. McLaughlin  
Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Department of Toxic Substances Control